

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated February 20, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-14 are pending in the Application. Claims 13 and 14 are added by this amendment. By means of the present amendment, claims 1-12 are amended including for better conformance to U.S. practice, such as deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Further amendments include changing "characterized in that" to --wherein--, amending dependent claims to begin with "The", as well as correcting certain informalities noted upon review of the claims. By these amendments, claims 1-12 are not amended to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents. Applicant furthermore reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

The Applicant wants to thank the Examiner for the indication that claims 4-8 are allowable if amended to be in independent form.

Claim 4 is provided in independent form as new claim 13 and claim 6 is provided in independent form as new claim 14. Accordingly, consideration and allowance of claims 13 and 14 is respectfully requested.

Applicant respectfully requests the Examiner to acknowledge the claim for priority and receipt of certified copies of all the priority document(s).

In the Office Action, it is noted that the Information Disclosure Statement (IDS) submitted on September 30, 2005 is deficient since it is stated that the Non-patent Literature (NPL) documents do not disclose the filing or publication date. A review of the IDS returned together with the Office Action shows that each of the IDS citations 2 and 3 do in fact show the publication date as required. It appears that only citation 1 neglected to include a publication date due to a clerical error although each of the cited NPL documents in fact are dated as submitted. Nonetheless, a new IDS is being submitted which provides the publication date (August 1999 as indicated on the NPL document) of the first citation. Accordingly, consideration of the NPL documents is respectfully requested. Further, it is noted that the returned IDS regarding patent citations was returned without the Examiner's initials being

provided for the U.S. Patent citation, namely U.S. Patent No. 6,127,884. Accordingly, it is requested that the IDS be returned with the Examiner's initials provided for this U.S. Patent citation.

In the Office Action, claim 12 is rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

Applicant respectfully disagrees with and explicitly traverses this ground for rejecting claim 12. It is the Applicant's position that the claims require statutory subject matter. However, in the interest of furthering the prosecution of this matter, Applicant has elected to amend claim 12 to more clearly state the invention. Specifically, Applicant has amended claim 12 to more clearly state "Computer program stored on a computer readable medium that when executed by a processor configures the processor for ... Clearly claim 12 requires statutory subject matter. Accordingly, it is respectfully requested that the amendment to the claims be entered and that the rejection of claim 12 under 35 U.S.C. §101 be withdrawn.

Claims 1-3 and 9-12 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 5,878,085 to McCallister ("McCallister") in view of U.S. Patent No. 6,977,977 to

Dubrovin ("Dubrovin"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-12 are allowable over McCallister in view of Dubrovin for at least the following reasons.

It is undisputed that "McCallister et al does not teach a non-linear compensator coupled to a decoder for compensating a decoder output signal." (see, Office Action, page 7.) Dubrovin is cited to cure this deficiency in McCallister, however, it is respectfully submitted that reliance on Dubrovin is misplaced.

Dubrovin shows non-linear compensation (items 102 and 172) in FIGS. 4, 5 and 8 as cited in the Office Action, however, the non-linear compensator is coupled to an input of the decoder shown, namely decoder 110 (FIG. 4), or precedes decoding (FIG. 8) as made clear by col. 16, lines 14-20. As stated therein (emphasis added) "[s]everal processes performed by the channel decoding block 172 in the signal processing section are then applied to the demodulated output. The processes performed include burst disassembly, linear effects compensation followed by I/Q gain mismatch compensation [namely non-linear compensation] in accordance with the present invention, equalization, de-interleaving, convolutional decoding

and CRC check." Accordingly, Dubrovin shows non-linear compensation prior to decoding.

It is respectfully submitted that the receiver of claim 1 is not anticipated or made obvious by the teachings of McCallister in view of Dubrovin. For example, McCallister in view of Dubrovin does not disclose or suggest, a receiver that amongst other patentable elements, comprises (illustrative emphasis added) "said differential detector comprises a non-linear compensator coupled to receive a decoder output for compensating a decoder output signal" as recited in claim 1, and as similarly recited in each of claims 9-12. It is noted that while the Applicant has chosen to amend the claim, it was merely amended to clarify the language which was derived from a non-US patent application. The claims previously recited (emphasis added) "a non-linear compensator coupled to a decoder for compensating a decoder output signal." In operation, the compensating of the decoder output signal recited in the claims may only occur by the compensator receiving the decoder output signal. It is respectfully submitted that this amendment to the claims is not performed for purposes of patentability and is only submitted to clarify that which was already recited in the claims.

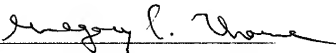
Accordingly, Applicant respectfully reserves all rights under the Doctrine of Equivalents.

Based on the foregoing, the Applicant respectfully submits that independent claims 1 and 9-12 are patentable over McCallister in view of Dubrovin and notice to this effect is earnestly solicited. Claims 2-8 depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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